

**ZONING COMMITTEE
MINUTES
WEDNESDAY, APRIL 2, 2008**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, April 2, 2008** in the Council Chambers, at 11:09 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair
The Honorable Natalyn Archibong, Vice Chair
The Honorable Carla Smith
The Honorable Howard Shook
The Honorable Anne Fauver**

The following members were absent:

**The Honorable Joyce Sheperd,
The Honorable C. T. Martin,**

Others present at the meeting were: Charletta Wilson-Jacks, Zoning Administrator, Department of Planning and Community Development; City Attorneys Lem Ward, Peter Andrews and Jeffery Heymore, Law Department; and members of the Public and Council staff.

- A. ADOPTION OF AGENDA - ADOPTED BY ADDING 5 PIECES OF LEGISLATION**
- B. APPROVAL OF MINUTES - APPROVED**
- C. ZRB SUMMARY REPORT**
- D. ORDINANCE FOR SECOND READING**

08-O-0524 (1) An Ordinance by Zoning Committee authorizing the Mayor or
Z-07-102 her designee to correct Ordinance Number 07-O-2154/Z-07-102 by including the correct version of the conditions in the legislation; and for other purposes.

**Councilmember Archibong made a motion to approve.
The vote was unanimous.**

FAVORABLE

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E. PAPERS HELD IN COMMITTEE

- 06-O-0273 (1) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

HELD

- 06-O-0007 (2) An Ordinance by Councilmember Carla Smith
Z-05-65 **as amended by Zoning Committee** to rezone the portion of the property located at **1821 W. Anderson Avenue** that is zoned R-4 (Single Family Residential) to the O-I (Office Institutional) Classification, to issue a Special Use Permit for the subject property; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

- 06-O-0022 (3) An Ordinance by Councilmember Carla Smith
U-05-22 to issue a Special Use Permit for a Nursing Home at **1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue)**; to waive the 2,000 foot distance requirement for this location; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

- 06-O-0955 (4) A **Substitute** Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at **1155 Hill Street, SE**, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. **(Held 11/1/06 at the request of District Council Person)**
- Z-06-44**

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E. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: Approximately 8.719 Acres
Land Lot: 55, 14th District, Fulton County, Georgia
Owner: Jack and Harvey Taffel
Applicant: Chaz E. Waters/Skyline Partners, LLC.
NPU-Y Council District 1

HELD

- 06-O-1927 (5) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

HELD

- 07-O-0396 (6) An Ordinance by Community Development/Human
CDP-07-09 Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **349 14th Street**, from the "Low Density Commercial" Land Use Designation; to the "Mixed-Use" Land Use Designation; and for other purposes. **(1st Quarter CDP Public Hearing held 3/12/07) (Held 3/13/07 awaiting companion Zoning legislation) (Favorable by CD/HR Committee 3/27/07) (Held 3/28/07 at the request of the applicant)**

NPU-E

Council District 2

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0148 (7)
Z-06-138 An **Amended** Ordinance by Zoning Committee to rezone from the C-2 (Commercial Service) District to the MRC-3 (Mixed Residential-Commercial) District, property located at **349 Fourteenth Street, NW**, fronting approximately 134 feet on the south side of 14th Street, at the southwest corner.
Depth: Approximately 152 Feet
Area: Approximately 0.47 Acre
Land Lot: 149, 17th District, Fulton County, Georgia
Owner: Julian W. Rikard
Applicant: Michael Gamble
(Held 3/28/07 at the request of the applicant)
NPU-E **Council District 2**

HELD

06-O-1445 (8)
Z-06-74 An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3700 Martin Luther King, Jr. Drive, SW**, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. **(Held 5/2/07 at the request of Councilmember of the District)**
Depth: Varies
Area: Approximately 27 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Atlanta Neighborhood Development Partnership
Applicant: Marvin Greer
NPU-H **Council District 10**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-2308 (9)
Z-06-113

An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at **863 Ponce de Leon (rear), NE**, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue. **(Filed by ZRB and Zoning Committee 5/20/07) (Referred by back by Full Council 6/4/07) (Held 6/13/07)**

Depth: Approximately 74 Feet
 Area: Approximately 0.861 Acre
 Land Lot: 17, 14th District, Fulton County, Georgia
 Owner: Robert T. Budd
 Applicant: Kevin A. Ross

NPU-N **Council District 2**

HELD

07-O-1524 (10) An Ordinance by Councilmember Joyce Sheperd to rezone
Z-07-40 from the R-4 (Single-Family Residential) district to the R-4A
(Single-Family Residential) District, property located at
1623, 1619, 1615, 1609, 1603, 1599, 1595, 1589, 1585,
1579, 1575, 1573, 1569 and 1559 Langston Avenue, SE,
fronting approximately 716.50 feet on the west side of
Langston Avenue. Property is located approximately 150 feet
on north of the intersection of Langston Avenue and
Katherwood Drive. **(Held 8/29/07 for further review)**
Depth: Varies
Area: Approximately 6.03 Acres
Land Lot: 121, 14th District, Fulton County, Georgia
Owner: Brian Turner, President Southern Saw
Applicant: David N. Hauseman
NPU-X Council District 12

FILE

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-1910 (11)
Z-07-99

An Ordinance by Councilmember Carla Smith to rezone the properties located at **760 Confederate Avenue, also known as 766 Confederate Avenue and 750 Confederate Avenue** from the R-5 (Two Family Residential District) District to the C-1-C (Community Business District Conditional); to modify the Official Zoning Maps; and for other purposes. **(Held 11/28/07)**

HELD

06-O-1888 (12)
CDP-06-65

An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at **3700 Martin Luther King, Jr. Drive, SW**, from the "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. **(Public Hearing held 9/11/06) (Filed by CD/HR Committee 11/27/07)**

NPU-H

Council District 1

HELD

07-O-2300 (13)
CDP-07-42

An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **760 Confederate Avenue**, from the “Low Density Residential” Land Use Designation to the “Low Density Commercial” Land Use Designation; and for other purposes. **(Held 11/13/07) (CDP Amendment Public Hearing held 11/26/07) (Favorable by CD/HR Committee 11/27/07)**

NPU-W

Council District 1

HELD

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F. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2594 (14) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. **(Held 12/12/07)**

HELD

06-O-0038 (15) An Ordinance by Councilmembers Carla Smith and Ivory Lee Young, Jr. to amend Various Sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or defining certain terms related to Supportive Housing; to provide how applications for such uses are to be processed; defining the term Community Center and removing certain redundant terms related to such use; redefining the conditions under which dormitories, Sorority Houses and Fraternity Houses are permitted; deleting rooming houses and boarding houses as permitted uses in certain districts; and for other purposes. **(Favorable by Zoning Committee 10/31/07) (Referred back by Council 11/5/07) (Public Hearing held 12/12/07) (Held 12/12/07)**

HELD

07-O-1916 (16) An **Amended** Ordinance by Zoning Committee to rezone property from the RG-2-C (Residential General-Sector 2-Conditional) to the MR-3-C (Multi-Family-Conditional) District, property located at **2853 Campbellton Road, SW**, fronting approximately 1,098 feet on the north side of Campbellton Road. **(Held 1/16/08)**

Depth: Varies
Area: Approximately 10.179 Acres
Land Lot: 218, 14th District, Fulton County, Georgia
Owner: Cascade Walk, LLC
Applicant: Michael B. Vinson

NPU-R

Council District 11

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-2697 (17) An Ordinance by Councilmember Carla Smith to amend
Z-06-144 Chapter 28 of Part 16 of the Atlanta City Land Development Code to provide for density increases in exchange for affordable workforce housing; to define certain terms; to provide limitations and requirements; and for other purposes. **(Held 1/30/08)**

HELD

07-O-1620 (18) An Ordinance by Zoning Committee to rezone certain
Z-07-92 properties within the BeltLine Overlay District from R4-A (Single Family Residential) and RG-3 (Residential General-Sector 3) Districts to MR-4A (Multifamily Residential) District; and for other purposes. **(Held 2/13/08)**

HELD

07-O-1917 (19) An **Amended** Ordinance by Zoning Committee to rezone
Z-07-89 property from the RG-4 (Residential General-Sector 4) to the C-1 (Community Business) Districts, property located at **626-628 Parkway Drive, NE**, fronting approximately 100 feet on the west side of Parkway Drive and approximately 700 feet north of the intersection of North Avenue and Parkway Drive. **(Held 2/27/08 for CDP Amendment)**

Depth: Varies

Area: 0.448 Acre

Land Lot: 48, 14th District, Fulton County, Georgia

Owner: Renee C. McPhee and Kendrick Armistead

Applicant: Kendrick P. Armistead

NPU-M

Council District 2

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-2152 (20) An Ordinance by Zoning Committee to rezone from the I-1
Z-07-100 (Light Industrial) District to the MRC-3 (Mixed Residential
Commercial) District, for property located at **1035-1039**
Grant Street, SE, fronting approximately 540 feet on the
west side of Grant Street beginning approximately 1,060 feet
north from the northwest corner of Englewood Avenue. **(Held**
4/2/08)

Depth: Approximately 310 Feet

Area: Approximately 3.8 Acres

Land Lots: 1 and 2, 14th District, Fulton County, Georgia

Owner: Arthur Cohen

Applicant: John A. Bell

NPU-W

Council District 1

HELD

08-O-0306 21) An Ordinance by Zoning Committee to rezone from the R-4
Z-08-02 (Single-Family Residential), RG-1 (Residential General-Sector
1) and C-1 (Community Business) Districts to the I-1 (Light
Industrial) District, for various properties bounded by Simon
Street on the north, Ruby Harper Boulevard (a.k.a. Gilbert
Road) on the east, Southside Industrial Parkway (a.k.a. Poole
Creek Road) on the south. Property fronts approximately
751 feet on the east side of Ruby Harper Boulevard at the
northeast corner of Ruby Harper Boulevard and Southside
Industrial Parkway. **(Held 4/2/08)**

Depth: Varies

Area: Approximately 22.85 Acres

Land Lot: 33, 14th District, Fulton County, Georgia

Owner: The Housing Authority of the City of
Atlanta/City of Atlanta Department of

Aviation/Annie McClendon

Applicant: Atlanta Economic Renaissance
Corporation/AMB Property Corporation

NPU-Z

Council District 12

HELD

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F. ITEMS NOT ON THE AGENDA

08-O-0650 (1) An Ordinance by Zoning Committee amending Chapter 16,
Z-08-22 Zoning, Section 16-02.019(3) by adding Vernon Road, NW
*** and Habersham Park, NW to the list of exceptions from the
street numbering system; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING

08-O-0651 (2) An Ordinance by Zoning Committee expanding the
Z-08-25 designation of the Windsor House Apartments, located at
*** 990 Peachtree Street, NE, Land Lot 106, of the 17th District
of Fulton County, Georgia, including certain real property, to
the Overlay Zoning Designation of Landmark Building or Site
pursuant to Chapter 20 of the Zoning Ordinance of the City
of Atlanta and rezoning from SPI-16 (Midtown Special Public
Interest District) to SPI-16/LBS (Midtown Special Public
Interest District/Landmark Building or Site); to repeal
conflicting laws; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING

08-O-0652 (3) An Ordinance by Zoning Committee designating Commercial
Z-08-26 Row, located at 990 Peachtree Street, NE, Land Lot 106, of
*** the 17th District of Fulton County, Georgia and certain Real
Property on which it is located, to the Overlay Zoning
Designation of Historic Building or Site pursuant to Chapter
20 of the Zoning Ordinance of the City of Atlanta and
rezoning from SPI-16 (Midtown Special Public Interest
District) to SPI-16/LBS (Midtown Special Public Interest
District/Historic Building or Site); to repeal conflicting laws;
and for other purposes.

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING

08-O-0653 (4) An Ordinance by Zoning Committee granting a Special Use
U-08-14 Permit for the transfer of excess development density from
*** property located at 990 Peachtree Street (Sending Parcel) to
property located at 207, 211, 219, 223 and 225 13th Street
(Receiving Parcel); and for other purposes.

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING

SUMMARY REPORT
April 2, 2008

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FAVORABLE</u>						
07-O-2428	Z-07-112	Properties fronting Sumter Street, NW bounded by Maid Lane, NW to the east and Ladawn Lane to the north; and properties fronting Ladawn Lane bounded by Sumter Street, NW on the west and Maid Lane, NW to the east. D-9	R-5 to R-4	Approval	Approval	Approval
Councilmember Shook made a motion to approve. The vote was unanimous.						
<u>FAVORABLE AS AMENDED</u>						
07-O-2596	Z-07-119	771-795 Cherokee Avenue, S.E. and 412 Grant Park Place, S.E. W-1	Change of Conditions	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Smith made a motion to approve as amended. The vote was unanimous.						
08-O-0315	U-08-02	196 Montgomery Ferry Drive, N.E. E-6	Site Plan Amendment	Approval Conditional	Approval	Approval Conditional
Councilmember Fauver made a motion to approve as amended. The vote was unanimous.						
<u>FAVORABLE ON SUBSTITUTE</u>						
08-O-0100	Z-07-125	1540 Donald Lee Hollowell Parkway, N.W. J-3	R-4 to MR-3-C	Approval Conditional of Substitute Ordinance	Approval Conditional	Approval Conditional of Substitute Ordinance
Councilmember Shook made a motion to approve on substitute. The vote was unanimous.						
08-O-0309	Z-08-06	507 Bishop Street, N.W. E-8	I-1 to MR4-C	Approval Conditional of Substitute Ordinance	Approval	Approval Conditional of Substitute Ordinance
Councilmember Shook made a motion to approve on substitute. The vote was unanimous.						

SUMMARY REPORT
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LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FILE</u>						
07-O-0382	Z-07-09	1101 Collier Road, N.W. C-9	I-1, R-4 and RG-2 to MRC-3	File	Denial	File

Councilmember Smith made a motion to file. The vote was unanimous.

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F. ITEMS NOT ON THE AGENDA (CONT'D)

07-O-2297 (5) An Ordinance by Community Development/Human
CDP-07-38 Resources Committee to amend the Land Use Element of the
City of Atlanta 2004-2019 Comprehensive Development Plan
(CDP) so as to re-designate property that is located at **1035-
1039 Grant Street, NE**, from the "Industrial" Land Use
Designation to the "Mixed Use" Land Use Designation; and
for other purposes. **(Held 11/13/07) (CDP Amendment
Public Hearing held 11/26/07) (A second CDP
Amendment Public Hearing was held on 3/10/08)
(Favorable by CD/HR Committee 4/1/08) (Held 4/2/08)**
NPU-W **Council District 1**

HELD

**There being no further business to come before the Zoning Committee the
meeting was adjourned at 11:33 a.m.**


Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory L. Young, Jr., Chair